IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2348 OF 2006

IN

SUIT NO. 531 OF 1987

The Board of Trustees of the
Port of Bombay ... Plaintiffs

Versus

Britannia Industries Ltd. & Anr. Defendants

Mr. U.J.Makhija i/b. Mulla & Mulla for Plaintiffs.
Mr. D.C.Gomes for Defendant No.1.
Mr. A.D.Parab for Defendant No.2.

CORAM: S.K.SHAH,J.

DATE : 27th July,2006.

P.C.

1. Heard Counsel on both sides.

2. This Notice of Motion is taken out by the Defendant No.1 for setting aside the order dated 29.6.2006 by which the matter was kept for arguments after the Defendants' evidence was over and to examine Ms. Raji Vishwanathan as their witness No.2. The affidavit-in-support of the Notice of Motion mentions

that this witness was not available and after the Defendants' request, she has been located and the 1st Defendants are able to examine her as their witness No.2.

3. In the interest of justice, the Notice of Motion is allowed in terms of prayer (a) subject to payment of costs of Rs.1,000/- (Rupees one thousand only).

(S.K.SHAH,J.)